

02-R-1312

Entered - 07/01/02 - sb
CL02L0449 - DIANNE C. MITCHELL

CLAIM OF: **GEORGE EDWARD RUSSELL**, agent for
RUSSELL ENTERTAINMENT, L.L.C. d/b/a
The Russwell Bar,
through his attorney,
Alan I. Begner
1280 West Peachtree Street
Suite 230
Atlanta, Georgia 30309

For damages alleged to have been sustained as a result of the denial
of an alcohol license on June 7, 2002 at 127 Ellis Street.

THIS ADVERSED REPORT IS APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

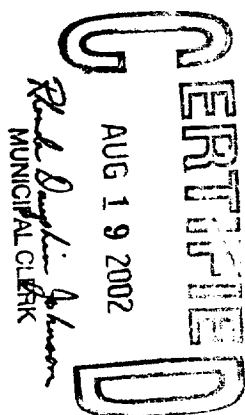
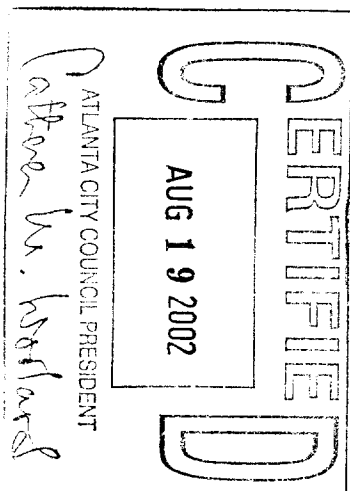
ADVERSE REPORT AUG 19 2002
CITY CLERK

ADVERSE REPORT

COMM P. S. L. A.

DATE 7/30/02

CITY VICE CHAIR C. Tim Martin
Natasha Archibong
Carla Smith





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

August 20, 2002

Alan I Begner
Attorney at Law
1280 West peachtree Street
Suite 230
Atlanta, GA 30309

02-R-1312

RE: George Edward Russell, agent for
Russell Entertainment, L.L.C. d/b/a
The Russwell Bar

Dear Attorney Begner:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on August 5, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0449

Date: July 8, 2002

Claimant /Victim GEORGE EDWARD RUSSELL, agent for Russell Entertainment, L.L.C. d/b/a The Russell Bar

BY: (Atty) Alan I. Begner

Address: 1280 West Peachtree Street, Suite 230, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ 1,000,000.00 Bodily Injury \$

Date of Notice: 06/20/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/07/02 Place: 127 Ellis Street

Department Mayor Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his application for an alcohol license was wrongfully denied. The claimant has filed a lawsuit in the Superior Court of Fulton County to resolve the issues raised in his claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: Concur/date 070902

Committee Action: Council Action

CONSENT I

08/19/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1181
2. 02-O-1221
3. 02-O-1222
4. 02-O-1282
5. 02-O-1300
6. 02-O-1245
7. 02-O-1293
8. 02-O-1294
9. 02-O-1223
10. 02-O-1220
11. 02-O-1289
12. 02-O-1291
13. 02-O-1273
14. 02-O-1224
15. 02-O-1232
16. 02-O-1233
17. 02-O-1287
18. 02-R-1362
19. 02-R-1283
20. 02-R-1288
21. 02-R-1334
22. 02-R-1279
23. 02-R-1331
24. 02-R-1332
25. 02-R-1333
26. 02-R-1338
27. 02-R-1349
28. 02-R-1350
29. 02-R-1348
30. 02-R-1303
31. 02-R-1304
32. 02-R-1305
33. 02-R-1306

**ITEMS ADVERSE
ON CONSENT AGENDA**

34. 02-R-1307
35. 02-R-1308
36. 02-R-1309
37. 02-R-1310
38. 02-R-1311
39. 02-R-1312
40. 02-R-1313
41. 02-R-1314
42. 02-R-1315
43. 02-R-1316
44. 02-R-1317
45. 02-R-1318
46. 02-R-1319
47. 02-R-1320
48. 02-R-1321
49. 02-R-1322
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51. 02-R-1324
52. 02-R-1325
53. 02-R-1326
54. 02-R-1327
55. 02-R-1328
56. 02-R-1329
57. 02-R-1330

1st Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272